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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/031,699	01/23/2002	Hans Jurgen Bigus	19075.0	8262
759	90 07/31/2003			
Paul J Vincent			EXAMINER	
Lichti Lempert & Lasch Bergwaldstr 1			BUTLER, MICHAEL E	
Karlsruhe, D 7				
GERMAN DEMOCRATIC REPUBLIC			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No. 10/031,699 Applicant(s)

Bigus et al.

Examiner

Michael E. Butler

Art Unit **3653** 



	The MAILING DATE of this communication appears	on the cover sheet with the correspondence address			
	for Reply				
THE N	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE				
<ul><li>If the p</li><li>If NO p</li><li>Failure</li><li>Any re</li></ul>	period for reply specified above is less than thirty (30) days, a reply within th	and will expire SIX (6) MONTHS from the mailing date of this communication. he application to become ABANDONED (35 U.S.C. § 133).			
Status					
1) 💢	Responsive to communication(s) filed on Jan 9, 200	01 .			
2a) 🗌	This action is <b>FINAL</b> . 2b) ☑ This action	ion is non-final.			
3) 🗆	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.				
Disposif	tion of Claims				
4) 💢	Claim(s) <u>24-37</u>	is/are pending in the application.			
4	la) Of the above, claim(s)	is/are withdrawn from consideration.			
5) 🗆	Claim(s)	is/are allowed.			
	Claim(s)				
	Claim(s)				
8) 💢	Claims <u>24-37</u>	are subject to restriction and/or election requirement.			
	ation Papers				
9) 🗆	The specification is objected to by the Examiner.				
10)□	The drawing(s) filed on is/are	a) $\square$ accepted or b) $\square$ objected to by the Examiner.			
	Applicant may not request that any objection to the di	rawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11)□	The proposed drawing correction filed on	is: a) $\square$ approved b) $\square$ disapproved by the Examiner.			
	If approved, corrected drawings are required in reply t	to this Office action.			
12)	The oath or declaration is objected to by the Examin	ner.			
Priority	under 35 U.S.C. §§ 119 and 120				
13) 🗌	13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).				
a) [	☐ All b)☐ Some* c)☐ None of:				
,	1. $\square$ Certified copies of the priority documents have	e been received.			
:	2. $\square$ Certified copies of the priority documents have	e been received in Application No			
	application from the International Burea				
_	ee the attached detailed Office action for a list of the				
_	Acknowledgement is made of a claim for domestic				
a)	The translation of the foreign language provisional Acknowledgement is made of a claim for domestic				
Attachme		priority under 35 U.S.C. 33 120 and/or 121.			
_	errits) stice of References Cited (PTO-892)	4) Interview Summary (PTO-413) Paper No(s).			
	otice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal Patent Application (PTO-152)			
3) [] Info	ormation Disclosure Statement(s) (PTO-1449) Paper No(s).	6) Other:			

Serial Number: 10/031699

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#### **DETAILED ACTION**

### Election/Restriction

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 37-46 drawn to an apparatus for dispensing capillaries, having a special technical feature of a guide for directing capillaries in dispensing (classified in class 221, subclass 210)
  - II. Claims 24-36 drawn to a method for making taping capillaries together, with a special technical feature of tape less than half the width of the capillaries. (classified in classes 250 subclass 341 or 204 subclass 452).
- 3. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The group II claims lack the special technical feature of a guide for directing capillaries in dispensing. The group I claims lack the special technical feature of a guide for directing capillaries in dispensing.

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4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. No claims appear to be linking claims.

#### Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.

Michael E. Butler

Michael E. Burles

Examiner

AECHAIGA GOA CLATATA